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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,356

04/11/2006

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EXAMINER

GLEITZ, RYAN M

ART UNIT

PAPER NUMBER

2852

NOTIFICATION DATE

DELIVERY MODE

03/03/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary	Application No. 10/575,356	Applicant(s) YASUDA ET AL.	
	Examiner Ryan Gleitz	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 11, 14, 23, 24, 27, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 9, 10, 12, 13, 15-22, 25, 26 and 28-32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/6/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 21 is objected to because it should depend on claim 12 rather than claim 1. The "plurality of said magnetism masking elements" have not been introduced in claim 1.

Claim 19 is objected to because it should depend on claim 16 rather than claim 13. The "recess" has not been introduced in claim 13.

Information Disclosure Statement

The information disclosure statement filed 6 July 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Some of the copies of cited references are missing from the file, as annotated on the returned copy of the IDS. Applicant has stated "since the International Bureau is assumed to have sent copies of the documents, copies of these documents are not enclosed herewith." The Examiner is unaware of such a procedure. However, no further action from applicant is necessary because the missing references are cited on the attached PTO-892 and copies are attached.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

Art Unit: 2852

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 33 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement and written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 33 recites 33, “wherein the belt supporting member is formed with a guide member in which a sheet is formed into an arc shape”. This aspect of the invention is shown in figure 43 and discussed in paragraphs [0200]-[0202]. The specification does not describe how the arc shaped guide member of claim 33 could be used in combination with the magnetism masking element of claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 8, 11, 14, 23, 24, 27, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Imai et al. (JP 2001-125407).

Imai et al. disclose a fixing apparatus comprising wire (23) and core (24) as a magnetic flux generation section that generates magnetic flux; belt (20) as a heat-producing element made of a nonmagnetic electrical conductor, that allows passage of the magnetic flux and is induction-heated, see [0035]; conductive member (45) is at

Art Unit: 2852

least one magnetism masking element that masks the magnetic flux; and switching means (53) is a magnetic flux adjustment section that switches between masking, as shown in figure 5, and clearing, as shown in figure 7, of magnetic flux with respect to a paper non-passage area, as shown in figure 11, of said heat-producing element, wherein said magnetism masking element is located on the opposite side of said heat-producing element from said magnetic flux generation section.

Regarding claims 2 and 14, axis shaft (45) is an opposed core located on the opposite side of said heat-producing element from said magnetic flux generation section, wherein said magnetism masking element moves relative to said magnetic flux generation section in a direction of movement of said heat-producing element, and is displaced between a magnetic path blocking position, as shown in figure 5, at which a magnetic path corresponding to a paper non-passage area of said heat-producing element between said magnetic flux generation section and the opposed core is blocked, and a magnetic path clearing position, as shown in figure 7, at which the magnetic path is cleared.

Regarding claim 3, heat-producing element (20) is formed in a circular shape; and said magnetism masking element (45) is located inside said heat-producing element; and said magnetic flux generation section (23, 24) is located outside said heat-producing element.

Regarding claims 4 and 8, the magnetic flux generation section comprises: an exciting coil (23) that is wound and placed; and a center core (24) located in a center of windings of the exciting coil; and a width of said magnetism masking element in a

Art Unit: 2852

direction of movement relative to said magnetic flux generation section is greater than a width of the center core in the same direction, as shown by figure 1.

Regarding claims 7 and 11, figure 5 further shows a magnetic path blocking position at which a magnetic path of a paper non-passage area of said heat-producing element is blocked by said magnetism masking element is a position at which said magnetism masking element is opposite the center of the windings of the exciting coil.

Regarding claim 23, the heat-producing element is configured with an endless belt (20); and roller (44) as a belt supporting member on which the endless belt is suspended is configured with a member that allows passage of magnetic flux.

Regarding claim 24, the roller is made of metal, see [0043], and examples for the thickness of the roller (44) include 0.4 mm and 0.3 mm, see [0043] and [0061], and it can be made even smaller, see [0043], which reads on a metallic material with a thickness in a range of 0.04 mm to 0.2 mm in a vertical direction with respect to a peripheral surface of the endless belt.

Regarding claim 27, roller (44) has the structure that would be formed from a sheet that is formed into a cylindrical shape and a joint is welded.

Regarding claim 34, the fixing device is in an image forming apparatus. See title.

Allowable Subject Matter

Claims 5, 6, 9, 10, 12, 13, 15-22, 25, 26, and 28-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe (JP 2003-077645) and Asakura et al. (WO 2002-029498) are cited to complete the IDS, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571)272-2489. The examiner can normally be reached on 9:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Gleitz/
Primary Examiner, Art Unit 2852

Application/Control Number: 10/575,356
Art Unit: 2852

Page 7